

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/551,126

Applicant: Jacobson et al.

Filed: September 23, 2005

TC/AU: Unassigned

Examiner: Unassigned

Docket No.: 238149 (DHHS Reference No. E-084-2003/2-US-02)

Customer No.: 45733

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

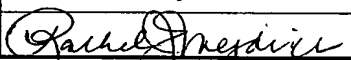
Dear Sir

Applicant(s) hereby respond(s) to the Notification of Missing Requirements dated August 16, 2006.

The items checked below are appropriate:

1. Status of Applicant

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

CERTIFICATE OF MAILING UNDER 37 CFR 1.10			
I hereby certify that this Response and all accompanying documents are being deposited with the United States Postal Service on the date indicated below, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV708758192US, addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Name (Print/Type)	Rachel J. Mejdrieh		
Signature		Date	November 15, 2006

2. Documents Submitted Herewith

- a. ☒ Executed Declaration of inventor(s)
- b. ☒ Nucleotide and/or Amino Acid Sequence Submission:
 - i. ☒ Computer Readable Form (CRF)
 - ii. Specification Sequence Listing on:
 - (1) ☐ CD-ROM or CD-R (2 copies); or
 - (2) ☒ Paper Copy
 - iii. ☒ Statement verifying identity of above copies
- c. ☐ Verified English translation of application
- d. ☒ Copy of the Notification of Missing Requirements
- e. ☐ Substitute Drawings
- f. ☒ Other: Preliminary Amendment

3. Application Filing Fee

- a. ☒ No application filing fee due
- b. ☐ Application filing fee due in amount calculated below:

BASIC FEE (\$300 FILING FEE + \$200 EXAMINATION FEE + \$500 SEARCH FEE)				\$1,000.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	- 20 =		x \$50.00	\$
Independent Claims	- 3 =		x \$200.00	\$
<input type="checkbox"/> Multiple Dependent Claim(s) if applicable			+ \$360.00	\$
<input type="checkbox"/> Application Size Fee (\$250 for each additional 50 sheets over 100)				\$
Total of above calculations =				\$
Reduction by 50% for filing by small entity =				\$()
Fee Already Paid =				\$
Fee Due =				\$

4. Late Filing of Oath or Declaration Surcharge

Pursuant to 37 CFR 1.16(e), the surcharge for filing this Response is for
☒ other than a small entity or ☐ a small entity.

Fee Due \$130.00

5.. Non-English Specification Surcharge

Pursuant to 37 CFR 1.17(i), the surcharge for submitting an English translation of the non-English specification is included.

Fee Due \$ 0.00

6. (Provisional only) Surcharge for Late Submission

Pursuant to 37 CFR 1.16(g), the surcharge for submitting an English translation of the non-English specification is included.

Fee Due \$ 0.00

7. **Extension of Time**

- ☒ Applicant(s) petition(s) for a one-month extension of time under 37 CFR 1.136, the fee for which is \$120.00.
- ☐ Applicant(s) believe(s) that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

Fee Due \$120.00

8. **Total Fee Due**

The total fee due is:

Application Filing Fee	\$ 0.00
Late Filing of Declaration Surcharge	\$130.00
Non-English Specification Surcharge	\$ 0.00
(Provisional only) Surcharge for Late Submission	\$ 0.00
Extension of Time Fee	\$120.00

Total Fee Due: \$250.00

9. **Fee Payment**

- ☐ Attached is a check in the sum of \$
- ☒ Charge Account No. 12-1216 the sum of \$250.00. A duplicate of this transmittal is attached.

10. **Fee Deficiency**


- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.

11/20/2006 ATRAN1 00000100 121216 10551126

01 FC:1617 130.00 DA

11/20/2006 ATRAN1 00000100 121216 10551126

02 FC:1251 120.00 DA


Rachel J. Mejdrieh, Reg. No. 53,477
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Date: November 15, 2006

To: MM2 CC1
LVM 238149, NIH

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,126	Steven Jacobson	238149

INTERNATIONAL APPLICATION NO.

PCT/US04/08960

I.A. FILING DATE

03/24/2004

PRIORITY DATE

03/24/2003

45733
LEYDIG, VOIT & MAYER, LTD.
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180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

CONFIRMATION NO. 4059

371 FORMALITIES LETTER



OC000000020037678

Date Mailed: 08/16/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/23/2005
- Copy of the International Search Report filed on 09/23/2005
- Copy of IPE Report filed on 09/23/2005
- Preliminary Amendments filed on 09/23/2005
- Information Disclosure Statements filed on 09/23/2005
- Request for Immediate Examination filed on 09/23/2005
- U.S. Basic National Fees filed on 09/23/2005
- Priority Documents filed on 09/23/2005

LEYDIG, VOIT & MAYER
RECEIVED

LAH

AUG 22 2006

PAY/TM Due Date 10-16-063-16-07 final

JC

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,126	PCT/US04/08960	238149

FORM PCT/DO/EO/905 (371 Formalities Notice)